2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

14 May 2015

Original: English

New York, 27 April-22 May 2015

Working paper of the Chair of Subsidiary Body 3*

Article V

1. The Conference affirms that the provisions of article V of the Treaty with regard to the peaceful applications of any nuclear explosions are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.[1]

Article VIII

2. The Conference reaffirms the purpose of the review process as set out in the relevant decision of the 1995 Review and Extension Conference and the 2000 Review Conference, and notes the relevant discussions undertaken in the 2010 Review Conference.

3. The Conference notes the importance of ensuring efficiency, coordination and continuity in the review cycle of the Treaty, and, in this context, notes the proposal that past and incumbent Presidents and Chairs consult with the incoming President and Chairs, if necessary, regarding practical matters related to their responsibilities. Participation in these meetings will be voluntary and will not affect the costs assessed to States parties.

4. The Conference notes the need for increased accountability and transparency from all States parties through regular reporting, as agreed in Action 20 of the 2010 Action Plan, as an essential part of strengthening the review process. The Conference recalls Action 21 of the 2010 Action Plan by which nuclear-weapon States were encouraged to agree on a standard reporting form and to determine appropriate reporting intervals. The Conference notes the proposals made by several States for nuclear-weapons States to provide annual reports, starting in 2017, on the implementation of their obligations, commitments and undertakings with numerical information such as the number and type of nuclear weapons in their holdings, the number of nuclear weapons dismantled and reduced as part of nuclear disarmament efforts, and the amount of fissile material produced for military purposes. The Conference notes divergent views from States parties about the establishment of mechanisms to monitor the implementation of specific articles of the Treaty. One State party suggested this paragraph be deleted.

* The present document is issued without formal editing.

[1] See United Nations General Assembly resolution 50/45.

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5. The Conference notes the call by several States parties for increased efficiency in the review process by considering the consolidation and streamlining of meetings, including the length and frequency of Preparatory Committee meetings. The Conference also notes the proposal by several States for a more flexible use of time in particular by giving preference to interactive substantive discussions. The Conference also notes that a number of States highlighted the potential efficiency gains of using digital recordings and encourages the use of the PaperSmart platform.

6. The Conference further notes the importance of enhanced engagement with civil society, academia and experts; as well as making possible use of alternative meeting locations to promote the participation of States parties from all regions, while giving due consideration to cost implications.

Article IX

7. The Conference welcomes the accession of the State of Palestine to the Treaty and reaffirms the urgency and importance of achieving the universality of the Treaty. The Conference remains convinced that universal adherence is essential for the full realization of the objectives of the Treaty and calls upon all States not parties to the Treaty, India, Israel, Pakistan and South Sudan to accede to it without further delay and without any conditions as non-nuclear-weapon States. The Conference calls upon all States parties to make every effort to achieve the universality of the Treaty and refrain from taking any actions that would negatively affect prospects for the universality of the Treaty. The Conference notes divergent views from States parties on cooperation with non-parties to the Treaty.

Article X

8. The Conference reaffirms that each State party, in exercising its national sovereignty, has the right to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests. The Conference notes that a number of States parties indicate that there is no intention to amend or reinterpret any provision of the Treaty and that a holistic approach to withdrawal should be pursued to respond to the interests of all parties. The Conference notes that a number of States parties underscore that any consideration of article X should take into account, in a holistic and balanced manner, all three pillars of the Treaty and the importance of demonstrating tangible progress in their implementation.

9. The Conference also reaffirms that notice of withdrawal shall be given to all other parties to the Treaty and to the United Nations Security Council three months in advance and shall include a statement of the extraordinary events the State party regards as having jeopardized its supreme interests. The Conference notes that a number of States parties suggested that the notification be made in writing.

10. The Conference notes that, without prejudice to the sovereign right to withdraw, some States parties proposed that States parties could undertake efforts to consult, as relevant, with the State party invoking article X, in order to uphold the principle of universality and preserve the integrity of the Treaty.

11. The Conference notes that some States indicated that a withdrawing party remains responsible for violations of the Treaty committed prior to its withdrawal, and that such withdrawal would not affect any right, obligation or legal situation

between the withdrawing State and each of the other States parties created through the execution of the Treaty prior to withdrawal.

12. The Conference notes that several States proposed that nuclear supplying States could consider, without prejudice to the provisions of articles IV and X, incorporating, as appropriate, in arrangements or contracts concluded with other States parties, clauses detailing measures, such as dismantling or return clauses and provisions for maintaining safeguards, to be taken in the event of withdrawal in accordance with international law and national legislation. The Conference notes that one State party has divergent views on paragraphs 11 and 12, and proposes their deletion.